



SECTION BY SECTION

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act (H.R. 3110)

Section 1. Short Title

The *Providing Urgent Maternal Protections for Nursing Mothers Act*.

Section 2. Breastfeeding Accommodations in the Workplace

Section 2(a) amends the *Fair Labor Standards Act of 1938* (FLSA) by striking section 7(r) and moving break time and space for nursing mothers provisions to a new section 18D. By moving these protections out of section 7, workers who are exempt from section 7 pursuant to other FLSA provisions (e.g., agricultural workers, airline workers, certain “white collar” workers) are no longer exempt from break time and space protections.

New section 18D carries over the following provisions that are already in existing law:

- Employers are required to provide a breastfeeding employee with reasonable breaktime and private, non-bathroom space to express breastmilk as needed for the employee’s breastfeeding infant up to 1 year after birth.
- Employers are not required to compensate an employee for such break time.
- Employers with fewer than 50 employees are exempt from these requirements if they would impose undue hardship to the employer’s business.
- Nothing in this section preempts state laws that provide greater protections.

New section 18D also includes the following new provisions:

- Clarifies that if other federal, state, or local laws require that such break time be paid, an employer must compensate an employee for such break time.
- Clarifies that if a worker is not completely relieved of duty during break time, such time is considered “hours worked” and thus compensable.
- Adds that nothing in this section preempts local laws, in addition to state laws, that provide greater protections.

Section 2(a) also adds the violation of new section 18D as a prohibited act under the FLSA.

Section 2(b) amends the FLSA to make employers who violate break time and space protections for nursing mothers liable for legal and equitable relief as appropriate.

Section 3. Effective Date

Amendments made under section 2(a) related to extending break time and space protections to express breastmilk in the workplace shall take effect 120 days after the date of enactment of the Act. Amendments under section 2(b) related to remedies shall take effect on the date of enactment of the Act.